

REMARKS

Foreign Priority

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Status Of Application

Claims 1-10 are pending in the application; the status of the claims is as follows:

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,517,243 to Kudo et al. ("Kudo"), in view of U.S. Patent No. 6,327,423 to Ejima et al. ("Ejima") and in further view of U.S. Patent No. 4,746,949 to Takei et al. ("Takei").

Claim Amendments

Claims 1 and 6 have been amended to more clearly articulate that which is being claimed. No new matter was added.

New Claims

Claims 11-15 have been added to provide a more adequate basis of protection of the invention. No new matter was added.

Drawings

The indication in the Notice of Draftsperson's Patent Drawing Review that the Official Draftsperson has objections to the drawings under 37 C.F.R. § 1.84, is noted.

Submitted herewith is Figure 4 which was redrafted to improve line quality as required by the Official Draftsperson. No other changes were made.

35 U.S.C. § 103(a) Rejection

The rejection of claims 1-10 under 35 U.S.C. § 103(a), as allegedly being unpatentable over Kudo, in view of Ejima and in further view of Takei, is respectfully traversed based on the following.

Kudo discloses a still video camera that uses a light measuring device 111 and a luminance information processing circuit 112 to determine the proper exposure value for taking a photograph in both a “single shooting” mode and a “continuous shooting” mode. (Kudo, col. 17, l. 16 – col. 18, l. 4). The luminance information, however, is used only in determining the exposure value for the current frame.

Ejima discloses an electronic camera in which an image processing unit 31 controls brightness (i.e., exposure) by using an adjusted value computed based on an output from a CCD 20 if the CCD 20 is operating, i.e., if the LCD is used as a viewfinder. (Col. 8, ll. 46-53). When the LCD is not being used as a viewfinder, the operation of the CCD 20 is halted to conserve energy. In this situation, the light measurement results of the photometric device 16 and the photometric circuit 51 are used to control the exposure. (Col. 6, ll. 39-46; col. 7, ll. 5-9). In both situations, however, Ejima discloses that the calculation of exposure, whether by using the CCD or the photometric device 16, is only for the current frame.

Takei discloses an image sensing device, such as a still video camera, in which a luminance component of an image is extracted from an image sensor 103. The luminance information is used only for calculating a proper exposure for the current frame in still frame mode (Col. 5, ll 6-37).

With regards to claim 1, neither Kudo, Ejima, nor Takei discloses controlling an exposure amount for a **next frame** in a sequence of photographs based on the light-quantity data output from a light-receiving element in a sequence-photograph mode, and controlling the exposure amount based on the image data output from an image pick-up element in the other modes. Therefore, the Office Action has failed to present a *prima*

facie case of obviousness for claim 1. As claims 2-5 depend either directly or indirectly from claim 1, claims 2-5 are not obvious with respect to any of the above cited references, either singly or in any combination.

With regards to claim 6, neither Kudo, Ejima, nor Takei discloses controlling an exposure amount for a **next frame** in a sequence of photographs based on the light-quantity data output from a light-receiving element in a sequence-photograph mode, and controlling the exposure amount based on the image data output from an image pick-up element in the other modes. Therefore, the Office Action has failed to present a *prima facie* case of obviousness for claim 6. As claims 7-10 depend either directly or indirectly from claim 6, claims 7-10 are not obvious with respect to any of the above cited references, either singly or in any combination.

Accordingly, it is respectfully requested that the rejection of claims 1-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kudo, in view of Ejima and in further view of Takei, be reconsidered and withdrawn.

New Claims:

Claim 11 recites, in part:

a controller, for controlling an exposure amount of said image pick-up element for a **next frame** in a sequence of photographs based on the light-quantity data output from said light-receiving element in the sequence-photograph mode, and for controlling the exposure amount of said image pick-up element based on the image data output from said image pick-up element in the other modes.

As discussed above, neither Kudo, Ejima, nor Takei discloses controlling an exposure amount for a **next frame** in a sequence of photographs based on the light-quantity data output from a light-receiving element in a sequence-photograph mode, and controlling the exposure amount based on the image data output from an image pick-up element in the other modes. Thus, it is believed that Claim 11 is patentable over the cited references, either singly or in any combination. As claims 12-15 depend from claim 11, it

is believed that claims 12-15 are also patentable over the cited references, either singly or in any combination.

Accordingly, it is respectfully requested that the claims 11-15 be allowed.

CONCLUSION

Wherefore, in view of the remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 1 from 2 to 3 (3 claims previously paid for) and increases the total number of claims by 5 from 10 to 15 (20 claims previously paid for), but does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's
Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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